

Application No. 09/988,047  
Amendment dated November 7, 2006  
Reply to Office Action of July 7, 2006

Docket No.: 0925-0188P

### **AMENDMENTS TO THE DRAWINGS**

The attached sheet(s) of drawings includes changes to Fig. 12. Fig. 12 has been amended to include the legend "Conventional Art."

Attachment: Replacement sheet

### **REMARKS**

Claims 1-14 are currently pending, wherein claims 1-12 have been amended to correct typographical and/or translations errors and new claims 13 and 14 have been added. Applicant respectfully requests favorable reconsideration in view of the remarks presented herein below.

At the outset, Applicant notes with appreciation the indication that claims 3-6 and 9-12 contain allowable subject matter and would be allowed if rewritten in independent form. Claim 3 has been rewritten in independent form. Accordingly, claim 3 and those claims which depend therefrom are allowable.

In paragraph 1 of the Office Action ("Action"), the Examiner objects to the drawings because Fig. 12 fails to include a legend such as "Prior Art". Applicant hereby amends claim 12 to include the legend "Conventional Art," thereby addressing the Examiner's concerns.

In paragraph 2 of the Action, the Examiner objects to the specification because the title is not descriptive. Applicant respectfully disagrees. The present invention is directed to an MPEG data recorder. Accordingly, the title is descriptive of the present invention. Nevertheless, in order to expedite prosecution of the instant application, Applicant has amended the title to be even more descriptive.

In paragraph 4 of the Action, the Examiner rejects claims 1, 2, 7, and 8 under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,934,818 to Okada ("Okada"). Applicant respectfully traverses this rejection.

In order to support a rejection under 35 U.S.C. § 102, the cited reference must teach each and every claimed element. In the present case, claims 1, 2, 7, and 8 are not anticipated by Okada because Okada fails to disclose each and every claimed element as discussed below.

Independent claim 1 defines an MPEG data recorder. The recorder includes, *inter alia*, an interface that receives data packets from a digital transmission line transmitting MPEG data in real time, and extracts predetermined MPEG data relating to the same content from received packets and outputs the extracted MPEG data as a data signal; a data rate detector that determines a data rate of the MPEG data based on a valid data period, during which the data signal is outputted from the interface; a recording mode selector that selects a recording mode based on the determined data rate; and a motor driver that controls the speed of a recording media based on the selected recording mode.

Okada discloses an access control apparatus and method for controlling access to storage media. The apparatus of Okada includes a scheduling unit 41 and a control unit 42 which process a plurality of access requests to a storage media. According to Okada, the scheduling unit determines the deadline of an accessing process depending on the change of the data transfer rate, and sets the execution schedule for a plurality of access requests in order from the process having the earliest deadline. For example, when an isochronous transfer is performed, the data transfer rate changes with time depending on the ratio of inserted dummy packets. The scheduling unit 41 dynamically

determines the deadline of the write/read processes depending on the transfer rate at each time point, and sets the schedule of performing the write/read processes in order from the process having the earliest deadline. Then, the control unit 42 controls the execution of the write/read processes according to the set schedule. However, Okada fails to disclose an MPEG data recorder as claimed.

Even if, *arguendo*, the scheduling process of Okada was interpreted as being a recording mode, nowhere in Okada is there any disclosure of controlling the speed of the recording media based on the selected recording mode. To the contrary, the scheduling algorithms of Okada are concerned with the order and position in which data is written to a disk, not the speed as claimed. Accordingly, independent claim 1 is not anticipated by Okada because Okada fails to disclose each and every claimed element.

Claims 2, 7, and 8 variously depend from independent claim 1. Therefore, claims 2, 7, and 8 are patentable over Okada for at least those reasons presented above with respect to claim 1. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 1, 2, 7, and 8 under 35 U.S.C. § 102.

New claims 13 and 14 define a method of recording MPEG data. The method includes, *inter alia*, receiving a plurality of data packets including MPEG data; extracting predetermined MPEG data from the received data packets; outputting the extracted MPEG data as a data signal; outputting a control signal; calculating a data rate of the MPEG data based on the data signal and the control signal; selecting a recording mode based on the calculated data rate; and controlling the speed of a recording media based

on the selected recording mode. New claims 13 and 14 are patentable over the cited art for at least the reason that the cited art fails to disclose or suggest a method of recording MPEG data that includes controlling the speed of a recording media based on a selected recording mode as claimed.

The application is in condition for allowance. Notice of same is earnestly solicited. Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Penny Caudle (Reg. No. 46,607) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

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Attachment: Replacement Sheet – Fig. 12